James H. Lesar, Esq.

NOTE: James H. Lesar is an attorney currently representing James Earl Ray. Lesar requested certain material related to the assassination of Dr. Martin Luther King, Jr., dated 4/15/75. We denied the request in its entirety by letter dated 6/27/75. We based our denial on the fact that Ray has a current appeal pending in the U.S. Sixth Circuit Court of Appeals (citing (b)(7)(A) of the FOIA). This denial was coordinated with Division 6. Lesar appealed our denial. U.S. Department of Justice, Civil Rights Division, interposed a memorandum of objection to the release of this material setting forth its position that the release could have a detrimental effect on the pending trial. This Department of Justice memorandum was considered by the Deputy Attorney General, however, the Deputy Attorney General disagreed with the arguments therein. It is believed that the Civil Rights memorandum clearly enunciates any objection we would have to the release of these documents. Deputy Attorney General, by letter dated 12/1/75, is advising Lesar that his request will be fully honored.

2025 RELEASE UNDER E.O. 14176

1 - Laboratory Division
Attention: Mr. Kilty
1 - Mr. Moore
Attention: Mr. Gunn

December 2, 1975

(1) - Mr. Gallagher
Attention: Mr. Lawn

Allen Y. Shaklan, Esq.
Senior Attorney
CBS, Inc.
51 West 52nd Street
New York, New York 10019

Dear Mr. Shaklan:

Please refer to the Deputy Attorney General's letter directed to you dated December 1, 1975, regarding your Freedom of Information Act (FOIA) Appeal for access to certain materials pertaining to the assassination of Dr. Martin Luther King, Jr.

Enclosed herein are copies of the records you have requested which I have been directed to release as the result of the Deputy Attorney General's consideration of your appeal.

In accordance with the Deputy Attorney General's letter, $80 of special search fees are being waived and reproduction costs for the enclosed material amount to $15.50. Please make your check or money order payable to the Federal Bureau of Investigation.

Sincerely yours,

Clarence M. Kelley
Director

Enclosures (13)

1 - The Deputy Attorney General
Attention: Susan M. Hauser

TLW:car (8)

SEE NOTE PAGE 2

2025 RELEASE UNDER E.O. 14176

Allen Y. Shaklan, Esq.

NOTE: CBS through its Senior Producer, Ernest Leiser, requested certain material related to the assassination of Dr. Martin Luther King by letter dated 9/5/75. We denied the request in its entirety by letter dated 10/7/75. We based our denial on the fact that Ray has a current appeal pending in the U.S. Sixth Circuit Court of Appeals (citing (b)(7)(A) and (B) of the FOIA). This denial was coordinated with Division 6. CBS through its attorney Allen Y. Shaklan appealed our denial. U.S. Department of Justice, Civil Rights Division, interposed a memorandum of objection to the release of this material setting forth its position that the release could have a detrimental effect on the pending trial. This Department of Justice memorandum was considered by the Deputy Attorney General, however, the Deputy Attorey General disagreed with the agruments therein. It is believed that the Civil Rights memorandum clearly enunciates any objection we would have to the release of these documents. Deputy Attorney General, by letter dated 12/1/75, is advising Shaklan that the CBS request will be fully honored.

2025 RELEASE UNDER E.O. 14176

1 - Mr. Adams
1 - Mr. Callahan

Assistant Attorney General
Civil Rights Division

December 1, 1975

Director, FBI

1 - Mr. Gallagher
1 - Mr. O'Connell
1 - Mr. Peelman
1 - Mr. Lawn
1 - Mr. Wannall

DR. MARTIN LUTHER KING, JR.

Attached for your information is a copy of an article which appeared in "The Los Angeles Times," dated November 27, 1975, which, in part, questions the motives of the King party in moving from the Holiday Inn, Memphis, also known as the Rivermont Motel, to the Lorraine Motel on April 3, 1968, the day prior to the murder of Dr. King.

Also attached is a copy of a letterhead memorandum, dated July 18, 1975, with enclosures, which was forwarded to the Civil Rights Division in response to an inquiry by Mr. Pottinger on July 16, 1975.

Enclosures (7)

1 - Assistant Attorney General (Enclosures 7)
Criminal Division

JCL:bap (10)

SEE NOTE PAGE TWO...

2025 RELEASE UNDER E.O. 14176

Assistant Attorney General
Civil Rights Division

NOTE: LHM prepared for AAG, Criminal Division, and AAG, CRD, as requested by Deputy Associate Director James B. Adams on 12/1/75.

Enclosures for the Department consist of copy of "The Los Angeles Times" article dated 11/27/75, and an LHM previously furnished to the CRD on 7/18/75, which enclosed a copy of a Moore to Sullivan memorandum dated 3/29/68, and captioned "Counter-intelligence Program, Black Nationalist - Hate Groups - Racial Intelligence (Martin Luther King), copy of Memphis teletype dated 4/2/68, FD-302 reflecting interview of Rev. Ralph David Abernathy and Memphis teletypes dated 3/28/68 and 3/29/68, all of which were previously furnished to the CRD.

2025 RELEASE UNDER E.O. 14176

C-19 (Rev. 5-5-75)

Justice Dept. to Study Reopening of King Inquiry

BY RONALD J. OSTROW
Times Staff Writer

WASHINGTON—Atty. Gen. Edward H. Levi, citing the FBI's harassment campaign against Dr. Martin Luther King, has ordered two Department of Justice divisions to recheck the investigation of the King slaying to see if it should be reopened.

Levi, interviewed by members of The Times' Washington bureau, said Wednesday that he wanted to know whether the results of the FBI program "might have had any influence or effect on the assassination—and I thought that ought to be looked at."

"I have asked not only the Civil Rights Division, which originally investigated the King assassination, but also as a double check I've asked the Criminal Division to reinvestigate," Levi said.

The attorney general's comment came in response to a question about the disclosure that shortly before King's death FBI Director J. Edgar Hoover had approved a secret FBI attempt to discredit the civil rights leader by pointing out that he had stayed at a white-owned motel while leading a predominantly black garbage strike in Memphis.

King subsequently moved to the black-owned Lorraine Motel, where he was shot to death on a balcony outside his room.

Levi said that disclosure of the FBI discrediting attempt at a Senate Intelligence Committee hearing last week was not the sole factor that had prompted him to ask the two divisions to take another look at the case.

It was learned from other sources Wednesday that the department's Civil Rights Division has been investigating for several months whether the FBI attempt to discredit King actually resulted in his decision to move to the Lorraine Motel.

The division learned of the attempt from FBI files that were being examined for another purpose, according to J. Stanley Pottinger, assistant attorney general for civil rights.

Neither the Civil Rights Division nor investigators for the Senate committee have been able to determine whether Hoover's approval of the plan to give information to the press about King's staying at the white-owned motel actually led to an FBI effort to plant such a story.

James B. Adams, deputy associated director of the FBI, has testified that the agent who had worked on the Hoover-approved plan to discredit King, Harold (Bud) Leinbaugh, simply had marked it "handled." Leinbaugh, who has retired from the bureau where he served in the agency's old crime records division, the FBI's public relations branch, is understood to have told investigators that he could not remember what he did on the matter. Leinbaugh could not be reached for comment Wednesday.

A former aide to King, Tom Offenburger, now on the staff of Rep. Andrew Young (D-Ga.), said Wednesday he recalled that King had stayed at a Holiday Inn in Memphis for only one night, but that he did not move because of any press report.

Offenburger said King had been taking part in a march that had been disrupted and that aides then hustled him to the Holiday Inn. The next day, Offenburger said, King returned to Atlanta. He stayed at Lorraine when he came back to Memphis a few days later.

William Manchester, in his book, "The Glory and the Dream," had this to say about King's stay at the Lorraine: "Newspapers had taunted him for staying at a plush Holiday Inn, paying $29 a night there, so he moved to a $13-a-night room in the Negro-owned Lorraine Motel."

Manchester said Wednesday that his source for this information had been a Time magazine compilation of the year 1968. Offenburger said he recalled "very vividly" complaining to Time about what he described as the inaccuracy of the account.

James Earl Ray, an escaped felon who pleaded guilty to killing King, tried unsuccessfully in February to withdraw his plea and stand trial. U.S. Dist. Judge Robert M. McRee Jr. ruled in Memphis that Ray, who is serving a 99-year prison sentence, had "coolly and deliberately" submitted his guilty plea on the advice of competent counsel.

The Washington Post
Washington Star-News
Daily News (New York)
The New York Times
The Wall Street Journal
The National Observer
The Los Angeles Times

Date NOV 27 1975

2025 RELEASE UNDER E.O. 14176

Levi, in the interview, expressed his outrage over some of the FBI's former counterintelligence tactics, but said he was opposed to removing Hoover's name from the recently dedicated FBI building.

"I think we have to avoid being instant historians," a process that "is extremely unfair," Levi said.

"Just take the ingredients of the King matter," Levi said. "Who was the attorney general who authorized taps and microphones on King? Who was the President?"

Testimony at the Senate committee hearings showed that the FBI had operated eight wiretaps and 16 hidden microphones, or bugs, on King during the Kennedy and Johnson administrations.

Three of the taps were authorized by former Atty. Gen. Robert F. Kennedy, after the bureau said that it was concerned about a sensitive national security matter relating to possible Communist influence on King. The Senate committee has not determined whether the five other taps were authorized.

Testimony indicated that the bugs were operated without authorization by Kennedy, but on a general authorization that the FBI thought it had from former Atty. Gen. Herbert Brownell Jr.

"I don't think circumstances were such that microphones could be used without at least the subsequent approval of the attorney general," Levi said.

"If we're talking about changing names of buildings and about changing the way people are regarded, then you have lots of things to ask," Levi added.

2025 RELEASE UNDER E.O. 14176

July 18, 1975

DR. MARTIN LUTHER KING, JR.

The following information is submitted regarding the background leading up to the proposed action recommended in memorandum C. C. Moore to Mr. W. C. Sullivan dated March 29, 1968, captioned "Counterintelligence Program, Black Nationalist-Hate Groups, Racial Intelligence, (Martin Luther King)." (copy attached)

This memorandum recommended that information be furnished to a cooperative news media source by the Crime Records Division of the Federal Bureau of Investigation (FBI) showing King as a hypocrite. This was to be based on the fact that when violence broke out during a march led by King in Memphis, Tennessee, on March 28, 1968, he disappeared. There was a first class Negro Hotel in Memphis, the Hotel Lorraine, but King chose to hide out in a white owned and operated Holiday Inn Hotel (also known as the Rivermont Hotel).

A notation on the above referred to memorandum indicated that the recommendation was "handled" on April 3, 1968, by Mr. Harold P. Leinbaugh of the Crime Records Division. (see notation on memorandum dated March 29, 1968, attached)

By way of background it should be noted that at about 6 p.m. on April 4, 1968, while standing on second floor balcony outside room 306 of the Hotel Lorraine, Memphis, Tennessee, King was shot and killed.

Memphis teletype dated April 2, 1968, reflects that King and other Southern Christian Leadership Conference (SCLC) officials were due to arrive in Memphis at 10:15 a.m. on April 3, 1968, via Eastern Airlines from Atlanta. (copy of Memphis teletype dated April 2, 1968, attached)

After King's death, an interview with Reverend Ralph David Abernathy, a close associate of King, reflected that he and King registered into the Hotel Lorraine in Memphis,

[redacted] (8) [redacted]

2025 RELEASE UNDER E.O. 14176

Tennessee, at about 10:30 a.m. on April 3, 1968. (Information contained in report of SA Joe C. Hester dated April 17, 1968, Memphis, captioned "UNSUB, aka, Eric Starvo Galt, et al., Civil Rights" page 43. See attached FD-302 reflecting interview with Reverend Ralph David Abernathy).

For further background regarding the basis of this proposal Atlanta teletype dated March 28, 1968, captioned "Martin Luther King, Jr., SM-C" with second caption "Sanitation Workers Strike, Memphis, Tennessee, Racial Matters" reflects that on March 28, 1968, King and other SCLC people were in room 801, Holiday Inn, Memphis, Tennessee, at 4:30 p.m. (copy of Atlanta teletype attached)

A Memphis teletype dated March 29, 1968, captioned "Sanitation Workers Strike, Memphis, Tennessee, Racial Matters" reflects that King participated in the march of sanitation workers on March 28, 1968. When violence erupted including the breaking of windows and looting by the marchers, King and a few associates ran to a nearby car and left the march proceeding to Rivermont Motel where they remained through the afternoon and evening. (copy of Memphis teletype attached)

On July 17, 1975, Mr. Harold P. Leinbaugh, after having had all the facts set out above reviewed with him including the fact his notation of "handled" appeared on the March 29, 1968, memorandum, advised that he has absolutely no recollection of this memorandum and can unhesitantly state that he cannot now recall whether or not proposed information was ever disseminated to any news media source. He indicated that his notation "handled" would not necessarily mean that he did disseminate this information. In explaining this he stated that the notation could mean that he was merely clearing this document through Crime Records Division and at this late date there would be absolutely no way that he could make any positive statements as to whether or not the information recommended was ever disseminated to a news media source.

From the above recorded sequence of events as reflected in various communications identified above, it is evident that King returned to Memphis, Tennessee, from Atlanta

2025 RELEASE UNDER E.O. 14176

Dr. Martin Luther King, Jr.

on April 3, 1968, and checked into the Hotel Lorraine at approximately 10:30 a.m. The notation indicating that the proposed furnishing of information to the news media was "handled" on April 3, 1968, would, of course, preclude any such information from appearing in the press prior to King's checking into the Hotel Lorraine at approximately 10:30 a.m. on April 3, 1968.

A review of appropriate files maintained at FBI Headquarters fails to reflect any newspaper article which could have been an outgrowth of the proposed recommendation contained in the C. C. Moore memorandum to Mr. W. C. Sullivan dated March 29, 1968.

A review of the "Memphis Commercial Appeal" for the period March 28 to April 4, 1968, maintained on microfilm in the Library of Congress failed to reflect any article which would appear to be an outgrowth of the proposed recommendation contained in C. C. Moore memorandum to Mr. W. C. Sullivan dated March 29, 1968. References were noted indicating that King held a press conference at the Holiday Inn Rivermont Motel on March 29, 1968.

2025 RELEASE UNDER E.O. 14176

Memorandum

TO : Mr. W. C. Sullivan

DATE: March 29, 1968

FROM : G. C. Moore

SUBJECT: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST - HATE GROUPS
RACIAL INTELLIGENCE
(MARTIN LUTHER KING)

PURPOSE:
To publicize hypocrisy on the part of Martin Luther King.

BACKGROUND:
Martin Luther King has urged Negroes in Memphis, Tennessee, to boycott white merchants in order to force compliance with Negro demands in the sanitation workers' strike in Memphis.

When violence broke out during the march King led in Memphis on 3-28-68, King disappeared. There is a first class Negro hotel in Memphis, the Hotel Lorraine, but King chose to hide out at the white owned and operated Holiday Inn Motel.

RECOMMENDATION:
The above facts have been included in the attached blind memorandum and it is recommended it be furnished a cooperative news media source by the Crime Records Division for an item showing King is a hypocrite. This will be done on a highly confidential basis.

Enclosure

TJD:ted
(7)
1 - Mr. C. D. DeLoach
1 - Mr. T. E. Bishop
1 - Mr. W. C. Sullivan
1 - Mr. G. C. Moore
1 - Mr. D. Ryan (Mass Media)
1 - Mr. T. J. Deakin

REC-20

Handed 4/3/68

100-448006-93

2025 RELEASE UNDER E.O. 14176

March 29, 1968

DO AS I SAY, NOT AS I DO

Martin Luther King, during the sanitation workers' strike in Memphis, Tennessee, has urged Negroes to boycott downtown white merchants to achieve Negro demands. On 3-29-68 King led a march for the sanitation workers. Like Judas leading lambs to slaughter King led the marchers to violence, and when the violence broke out, King disappeared.

The fine Hotel Lorraine in Memphis is owned and patronized exclusively by Negroes but King didn't go there from his hasty exit. Instead King decided the plush Holiday Inn Motel, white owned, operated and almost exclusively white patronized, was the place to "cool it." There will be no boycott of white merchants for King, only for his followers.

100-428460-93

ENCLOSURE

2025 RELEASE UNDER E.O. 14176

FBI WASH DC

FBI MEMPHIS

430PM URGENT 4-2-68 SAB

TO DIRECTOR

FROM MEMPHIS 157-1092 3P

SANITATION WORKERS STRIKE, MEMPHIS, TENN., RACIAL MATTER

ON APRIL TWO, NINETEEN SIXTY EIGHT, LT. E. H. ARKIN, MEMPHIS PD, INSPECTIONAL BUREAU, ADVISED THAT THE FUNERAL OF LARRY PAYNE, SEVENTEEN YEAR OLD NEGRO WHO WAS SHOT BY MEMPHIS PD OFFICER AFTER STORE LOOTING GROWING OUT OF MARCH TWENTY EIGHT RACIAL DISTURBANCE, MEMPHIS, WAS HELD, WITHOUT INCIDENT, AT CLAYBORN TEMPLE, MEMPHIS. ABOUT FIVE HUNDRED IN ATTENDANCE DESPITE FACT CHURCH CAN SEAT TWENTY FIVE HUNDRED. BODY INTERRED IMMEDIATELY AFTER FUNERAL. ARKIN ADVISED THAT ANOTHER SANITATION WORKERS SYMPATHY MARCH IS SCHEDULED FOR DOWNTOWN MEMPHIS AFTERNOON OF APRIL TWO.

100-106670-

NOT RECORDED

EASTERN AIRLINES ADVISED ON APRIL TWO THAT REV. MARTIN LUTHER KING, JR., AND SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (SCLC) AIDES RALPH D. ABERNATHY, BERNARD LEE, AND ANDREW M. YOUNG DUE TO ARRIVE MEMPHIS TEN FIFTEEN A.M., APRIL THREE, FROM ATLANTA.

END PAGE ONE

1 APR 5 1968

Included -- letter to White House and Attorney General. Date 4-3-68

2025 RELEASE UNDER E.O. 14176

ON APRIL TWO A SOURCE ADVISED THAT AT A PRESS CONFERENCE AT CLAYBORN TEMPLE, APRIL TWO, REV. JESSE JACKSON OF SCLC'S "OPERATION BREAD BASKET," REV. S. B. KYLES OF METROPOLITAN BAPTIST CHURCH, MEMPHIS, AND REV. EDWARD L. BROWN, MT. PISGAH CME CHURCH, ADVISED THAT WITH SCLC PERSONNEL IN MEMPHIS THAT NIGHTLY MASS STRIKE SUPPORT MEETINGS WILL BE RESUMED, THE FIRST AT MASON TEMPLE ON NIGHT OF APRIL THREE WITH KING AS FEATURED SPEAKER. THEY SAID MASS MARCH WILL BE HELD FRIDAY, APRIL FIVE, AND THAT THEY WILL HAVE SCHOOL CHILDREN PARTICIPATE SINCE MARCHING WITH "MARTIN LUTHER KING, JR., THE GREATEST LIVING AMERICAN," WOULD BE MORE EDUCATIONAL THAN BEING IN SCHOOL. WHEN ASKED BY PRESS IF KING WOULD PERSONALLY MARCH, JACKSON SAID KING MIGHT NOT MARCH. HE DID NOT ELABORATE. WHEN ASKED IF SCLC GROUP WOULD VIOLATE A POSSIBLE INJUNCTION AGAINST THEIR MARCHING, JACKSON SAID "THE WHITE MAN HAS ALREADY ENJOINED THE BLACK MAN TO THE GHETTO AND THE WHITE MAN DOESN'T NEED TO VALIDATE IT BY SENDING US A PIECE OF PAPER." KYLES SAID THE PROBLEM FACING MEMPHIS IS NOT MILITANT BLACK YOUTH BUT IS "WHITE RACISM." JACKSON DESCRIBED OPERATION BREAD BASKET AS MASSIVE

END PAGE TWO

2025 RELEASE UNDER E.O. 14176

DRIVE TO FORCE ALL GROCERS IN NEGRO AREA TO CEASE SELLING HART'S BREAD, WONDER BREAD, COCA COLA, AND SEALTEST DAIRY PRODUCTS AS THESE FIRMS DO NOT HIRE SUFFICIENT NUMBER OF NEGROES.

ON APRIL TWO LT. ARKIN ADVISED THAT MEMPHIS CITY OFFICIALS ARE CONSIDERING SEEKING A COURT INJUNCTION PROHIBITING ANY MASS MARCH LED BY KING OR AN INJUNCTION SPECIFYING CONDITIONS UNDER WHICH A MARCH COULD TAKE PLACE AND ALSO CONSIDERING RESUMPTION OF A CURFEW AND PLACING STRIKE SUPPORT LEADERS UNDER A PEACE AND FINANCIAL RESPONSIBILITY BOND.

ARKIN ADVISED THAT REMAINDER OF TENNESSEE NATIONAL GUARD, WITH EXCEPTION OF ONE BATTERY CONSISTING OF TWO HUNDRED AND NINETY THREE OFFICERS AND MEN OF THE MEMPHIS GUARD UNIT. HAVE LEFT MEMPHIS.

AT THREE ZERO FIVE PM, SIXTY SANITATION WORKERS AND SYMPATHIZERS DEPARTED CLAYBORN TEMPLE CARRYING PLACARDS FOLLOWING THEIR USUAL PARADE MARCH TO BEALE STREET NORTH ON MAIN TO CITY HALL. NO INCIDENTS REPORTED.

MEMO FOLLOWS. P. END.

CAC

FBI WASH DC

P

2025 RELEASE UNDER E.O. 14176

FD-302 (Rev. 4-15-64)

FEDERAL BUREAU OF INVESTIGATION

Date April 8, 1968

Reverend RALPH DAVID ABERNATHY, 690 La Verne Drive, N. W., Atlanta, Georgia, was interviewed at the Memphis Police Department at 10:55 p.m, April 4, 1968. Reverend ABERNATHY was advised of the Agent's identity and of the nature of the matter under investigation.

Reverend ABERNATHY, who described himself as Vice President at Large and Treasurer of the Southern Christian Leadership Conference, stated he was Dr. MARTIN LUTHER KING, JR.'s closest associate and stated that he and Dr. KING always shared a room whenever they travelled together. He stated that at about 10:30 a.m. on April 3, 1968, he and Dr. KING registered at the Lorraine Motel, Memphis, Tennessee.

Reverend ABERNATHY stated that on April 4, 1968, he and Dr. KING did not leave the motel and spent most of the day in their room, #306, which is located on the second floor of the motel. He stated that he and Dr. KING had been gone from their room for approximately one hour or less when they returned to the room at about 5:30 p.m. He said they got dressed as they were going to dinner at the home of Reverend BILLY KYLE and that at almost exactly 6 p.m. they started to leave the room. Reverend ABERNATHY stopped for a moment and Dr. KING walked out onto the balcony just outside the door to his room. Reverend ABERNATHY was still inside the motel room but could hear Dr. KING discussing the dinner engagement with other associates who Reverend ABERNATHY believes were standing in the parking area of the motel underneath and to the front of the balcony on which Dr. KING was standing.

Reverend ABERNATHY stated he heard what sounded like a firecracker and then heard the screams of persons to whom Dr. KING had been talking. Reverend ABERNATHY went then to the balcony and discovered Dr. KING lying there wounded in the right side of the face and neck. He said he believed Dr. KING attempted to speak to him but was unable to do so. Reverend ABERNATHY said he instructed someone to call an ambulance and then accompanied Dr. KING in the ambulance to the hospital where Dr. KING subsequently died.

On 4/4/68 at Memphis, Tennessee File # Memphis 44-1987

by SA JOE C. HESTER: bn Date dictated 4/8/68

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to [illegible] are not to be distributed outside your agency.

2025 RELEASE UNDER E.O. 14176

Reverend ABERNATHY stated that judging from the sound of the noise it appeared that the shot came from directly in front of the door and not from any great distance. He stated he did not observe anything that would indicate who fired the shot. Reverend ABERNATHY also stated that while they were in the motel room Dr. KING did not, to his knowledge, receive any telephone calls of a threatening nature or calls from persons who would not identify themselves. Reverend ABERNATHY said Dr. KING had not feared that any particular persons might harm him and Reverend ABERNATHY was unable to suggest any suspects or to provide any other information which might assist in identifying Dr. KING's killer.

2025 RELEASE UNDER E.O. 14176

11:17PM URGENT 3-28-68 ARK

TO DIRECTOR (100-106670) AND MEMPHIS

FROM ATLANTA (100-5586)

MARTIN LUTHER KING, JR., SM-C.

SANITATION WORKERS STRIKE, MEMPHIS, TENNESSEE. RM.

AT ONE THREE EIGHT SEVEN-R FURNISHED THE FOLLOWING INFORMATION AT FOUR THIRTY PM MARCH TWENTYEIGHT, SIXTYEIGHT.

INFORMANT'S INFORMATION WAS OBTAINED FROM DISCUSSION SHORTLY BEFORE WITH HOSEA WILLIAMS, DIRECTOR OF VOTER REGISTRATION AND POLITICAL EDUCATION, SCLC, CURRENTLY IN ATLANTA, WHO DURING LATE AFTERNOON MARCH TWENTYEIGHT, SIXTYEIGHT, CONFERRED TELEPHONICALLY WITH MARTIN LUTHER KING, JR., PRESIDENT, SCLC; RALPH D. ABERNATHY, VICE PRESIDENT AND TEASURER, SCLC; AND BERNARD LEE, SPECIAL AIDE TO THE PRESIDENT, SCLC.

KING, ABERNATHY, AND LEE ARE CURRENTLY IN ROOM EIGHT ZERO ONE, HOLIDAY INN, MEMPHIS.

WITH REFERENCE TO RACIAL DISTURBANCE IN MEMPHIS MARCH TWENTYEIGHT, SIXTYEIGHT, KING IS EXTREMELY DEJECTED. HE AND ABERNATHY STRONGLY FEEL DISTURBANCE ON THIS DATE DELIBERATELY PLANNED

EX-115 REC-9 100-106670-3278

APR 5 1968

APR 8 1968

2025 RELEASE UNDER E.O. 14176

BY NEGROES WHO ARE NEITHER SYMPATHETIC TO KING OR SCLC. IDENTITY OF SUCH INDIVIDUALS NOT KNOWN.

ABERNATHY, LEE AND WILLIAMS ARE GREATLY CONCERNED FOR WELFARE OF KING, PARTICULARLY ON NIGHT OF MARCH TWENTYEIGHT, SIXTYEIGHT, WHEN HE EXPECTS TO PARTICIPATE IN MARCH OR DEMONSTRATION WITH SANITATION WORKERS. AT PRESENT TIME KING DOES NOT FEEL HE SHOULD LEAVE MEMPHIS. DURATION OF STAY AND FURTHER DETAILS IN THIS CONNECTION NOT KNOWN.

ACCORDING TO WILLIAMS, HE, ABERNATHY, AND LEE STRONGLY FEEL SAME ELEMENTS WHICH CAUSED DISTURBANCE IN MEMPHIS EARLIER MARCH TWENTYEIGHT MAY CAUSE PERSONAL HARM TO KING EVENING OF MARCH TWENTYEIGHT, SIXTYEIGHT.

INFORMATION FROM AT ONE THREE EIGHT SEVEN-R MUST BE CLASSIFIED CONFIDENTIAL. MEMPHIS, HOWEVER, SHOULD ADVISE LOCAL AUTHORITIES IF NOT ALREADY KNOWN THAT KING CONTEMPLATES PARTICIPATING IN MARCH OR DEMONSTRATION EVENING OF MARCH TWENTYEIGHT AND THAT IN VIEW OF EARLIER DISTURBANCES IN MEMPHIS ON THIS DATE, SEVERAL RANKING SCLC OFFICIALS APPREHENSIVE FOR PERSONAL WELFARE OF KING.

2025 RELEASE UNDER E.O. 14176

PAGE THREE

FOREGOING INFORMATION TELEPHONICALLY FURNISHED MEMPHIS MARCH TWENTYEIGHT, SIXTYEIGHT.

RECEIVED: 11:39PM RM

2025 RELEASE UNDER E.O. 14176

F I WASH DC

FBI MEMPHIS

1256AM URGXENT 3-29-68 DGB

TO DIRECTOR

FROM MEMPHIS (157-1094)

SANITATION WORKERS STRIKE, MEMPHIS, TENNESSEE, RM. Racial Matter

RE MEMPHIS TELS, MARCH TWENTY EIGHT, NINETEEN SIXTY EIGHT.

FOLLOWING IS SUMMARY OF MARCH TWENTY EIGHT ACTIVITIES;

ON MARCH TWENTY EIGHT, LT. E. H. ARKIN, INSPECTIONAL BUREAU, MEMPHIS POLICE DEPT., ADVISED THAT THE MASS MARCH TO BE LED BY REV. MARTIN LUTHER KING, JR., IN SUPPORT OF SANITATION WORKERS STARTED AT AROUND ELEVEN AM CST WITH ESTIMATED FIVE TO SIX THOUSAND WORKERS, MANY OF WHOM WERE NEGRO TEENAGERS. MARCH STARTED AT CLAYBORN TEMPLE, LOCATED HEART OF NEGRO AREA, AND KING JOINED MARCH AFTER IT PROGRESSED ONE BLOCK. HE WALKED WITH MARCHERS TO VICINITY BEALE AND MAIN STREETS, MADE NO SPEECHES PRIOR TO MARCH, MADE NO KNOWN UTTERANCES DURING MARCH, AND BY TIME HE REACHED ABOVE POINT RAMPANT BREAKING OF STORE WINDOWS AND LOOTING WAS BEING PERPETRATED BY MARCHERS, WHEREUPON KING AND A FEW ASSOCIATES RAN TO A NEARBY CAR AND LEFT MARCH, PROCEEDED TO RIVERMONT MOTEL WHERE THEY REMAINED THROUGH AFTERNOON AND EVENING. BY NOON, POLICE HAD BROKEN UP CROWD, BEING FORCED TO USE TEARGAS, BUT SPORADIC LOOTING HAS CONTINUED THROUGH AFTERNOON

Included in letter to White House and Attorney General. Date 3-29-68

NOT RECORDED 162 APR 4 1968

APR 4 1968

20 APR 12 1968

2025 RELEASE UNDER E.O. 14176

AND EVENING, PRIMARILY CONFINED TO SOUTH CENTRAL AREA OF MEMPHIS, A PREDOMINANTLY NEGRO AREA, PRIMARY TARGET OF LOOTERS BEING LIQUOR STORES AND SMALL GROCERIES.

TENNESSEE STATE LEGISLATURE TODAY PASSED CURFEW BILL, WHICH WAS INVOKED BY MEMPHIS MAYOR HENRY LOEB, EFFECTIVE SEVEN PM, AND THIRTY FIVE HUNDRED TENNESSEE NATIONAL GUARDSMEN FROM MEMPHIS AND WEST TENNESSEE ARE CURRENTLY ON DUTY IN MEMPHIS OPERATING AS TACTICAL UNITS, BEING ACCOMPANIED ON THEIR PATROLS BY REPRESENTATIVES OF MEMPHIS PD.

SCHEDULED MASS RALLY TO FEATURE KING NIGHT OF MARCH TWENTY EIGHT CANCELED. AT TWELVE MIDNIGHT, MARCH TWENTY EIGHT, THREE HUNDRED ARRESTS, PRIMARILY RELATING TO LOOTING AND CURFEW VIOLATIONS HAVE BEEN MADE BY POLICE DEPT. FOUR INDIVIDUALS HAVE BEEN SHOT, ONE OF THESE, A SIXTEEN YEAR OLD BOY, WAS KILLED IN ACT OF LOOTING A STORE. THREE OTHERS WERE SHOT, TWO BY POLICE OFFICERS AND ONE BY A STOREKEEPER WHILE LOOTING, NONE SERIOUSLY INJURED.

2025 RELEASE UNDER E.O. 14176

EASTERN AIRLINES ADVISED THAT KING, RALPH ABERNATHY, AND BERNARD LEE, FAILED TO LEAVE MEMPHIS ON EASTERN FLIGHT THREE NINE EIGHT, NINE ZERO FIVE CST, DUE TO ARRIVE ATLANTA ELEVEN ZERO THREE PM EST. THIS ALSO CANCELS KING'S AND LEE'S FLIGHT FROM ATLANTA SIX TWENTY AM MARCH TWENTY NINE DUE TO ARRIVE BALTIMORE SEVEN FORTY TWO AM. INSPECTOR G. P. TINES, MEMPHIS PD, ADVISED KING PLANNING TO STAY IN MEMPHIS AT RIVERMONT HOTEL TONIGHT, FUTURE PLANS UNKNOWN AT PRESENT TIME. P.

~~CORR PAGE TWO, PARA ONE, LINE ONE WORDS EIGHT, NINE, AND TEN SHLD BE "AREA OF MEMPHIS" AND LINE TWO, PARA ONE, WORD FIVE SHLD BE "PRIMARY"~~

~~PAGE TWO PARA THREE, LINE ONE WORD SIX SHLD BE "KING" AND LINE THREE WORD THREE SHLD BE "PRIMARILY" AND A PERIOD SHLD BE BETWEEN "DEPT." AND FOUR" ONEXXX ON LINE FOUR.~~

~~PAGE TWO PARA ONE LINE THREE WORD ONE SHLD BE "LIQUOR"~~

END.

HFL

FBI WASH DC

P

cc - Mr. Tamm

2025 RELEASE UNDER E.O. 14176

Mr. Gallagher

11/28/75

J. S. Peelman

1 - Mr. Adams
1 - Mr. Callahan
1 - Mr. Gallagher
1 - Mr. O'Connell
1 - Mr. Peelman
1 - Mr. Lawn
1 - Mr. Moore
1 - Mr. Wannall

MURKIN

This is the case involving the murder of Martin Luther King, Jr., in Memphis, Tennessee, in April, 1968. James Earl Ray had pleaded guilty in State Court, Tennessee, and is presently serving a 99-years sentence.

SYNOPSIS: Civil Rights activists have appealed for a new investigation into the assassination of Dr. King, based in part on "new information" provided by Robert Byron Watson and C. H. Andrews. Previous memoranda have been prepared concerning Watson, who had been interviewed by the FBI in 1971 and had indicated that he had lied when he stated that he had positive information concerning a conspiracy. Recent investigation by the Atlanta Police Department (ATPD) confirmed that Watson had fabricated his conspiracy information.

C. H. Andrews had been in contact with James Earl Ray's Attorney, Robert Livingston in 1974 and had indicated his knowledge of, and involvement in, a conspiracy. District Attorney General, Memphis, and a Memphis attorney who had been in contact with Andrews believed revelations by Andrews were a hoax perpetrated to swindle Livingston, Ray's attorney, of funds. Civil Rights Division (CRD), U. S. Department of Justice, was forwarded all information received concerning Watson and Andrews and has not requested any additional investigation concerning these matters.

DETAILS: The "Washington Post" dated Friday, November 28, 1975, carried an article which indicated that Civil Rights Activists Dick Gregory and Reverend Ralph Abernathy have called for a new "independent investigation" into the assassination of Dr. King. The basis for this investigation is the fact that Robert Byron Watson and C. H. Andrews, also known as R. L. Warren, have new evidence to provide in connection with Dr. King's death.

JCL:bap (8)

44-38861

CONTINUED - OVER

2025 RELEASE UNDER E.O. 14176

Memorandum to Mr. Gallagher
RE: MURKIN

As indicated in prior memoranda dated 6/26/75 and 7/7/75, captioned as above, Robert Byron Watson was interviewed by the FBI on April 7, 1971, pertaining to whatever information he could furnish concerning a conspiracy in the assassination of Martin Luther King. Watson indicated that the information he had made public concerning a conspiracy was untrue. He stated that he told this conspiracy story in order to receive a reward to reimburse his mother for losses she had sustained in a business venture. Watson stated that he had told his mother that the story about the alleged assassination plot was untrue and the reason that he had made it up.

On April 7, 1971, Mrs. Lillian Watson, mother of Robert Byron Watson, advised that her son had in fact told her that his story concerning the alleged assassination plot was untrue and his reason for fabricating such a story. She stated that after Watson had told her that this information was untrue, she made no effort to contact any individual or organization whom she had previously contacted to advise them that her son's information was not correct.

This information was furnished to the CRD in April, 1971.

On June 21, 1975, the wire services carried information revealed by Atlanta, Georgia, Public Safety Commissioner Reginald Eaves, to the effect that Eaves was in possession of "... strong information of a conspiracy" in the death of Martin Luther King. Eaves indicated that he had received this information from a second party, Robert Byron Watson, which information "warrants their serious consideration."

Thereafter, Eaves ordered an independent investigation by the Intelligence Section, ATPD, in order to corroborate the information furnished by Watson. An extensive investigation was conducted by the ATPD and the following conclusion reached.

"After reviewing all of the investigative data, including the results of the polygraph examinations, which had been given, it was decided that Watson's allegations, relevant to a conspiracy, had been discredited through evidence on hand and did not warrant further inquiry. On this basis, the investigation was closed."

Mr. Eaves was later quoted in the "Atlanta Constitution" newspaper dated July 30, 1975, as follows, "Based on this evidence, our investigation, therefore, causes us to reject the probability

CONTINUED - OVER

2025 RELEASE UNDER E.O. 14176

of a conspiracy based upon the specific allegations made by Watson in the document he submitted relevant to Dr. King's death."

A copy of the results of this investigation by the ATPD, as well as a copy of Watson's document, was forwarded to the CRD in September, 1975.

The individual identified as C. H. Andrews has not been interviewed by the FBI in reference to this investigation. However, in May, 1974, District Attorney General Hugh Stanton, Jr., Memphis, Tennessee, confidentially advised that he had been approached by Mr. Robert Livingston, who is one of the attorneys for James Earl Ray. At that time, Livingston told District Attorney General Stanton that an individual named Cliff Andrews had been in contact with Livingston and had indicated that he, Andrews, and two others, were involved in a conspiracy in the killing of Dr. King. Andrews indicated that they were to receive $250,000 but for some reason were never paid. Andrews told Livingston that all three would testify provided they were granted total immunity, but that they might require an advance of travel funds. Mr. Stanton indicated at that time that it was his belief that Andrews was attempting to swindle Livingston.

This information was furnished to the CRD on May 30, 1974.

On July 16, 1974, Memphis Attorney Russell X. Thompson contacted the Memphis Division and stated that Ray's Attorney, Robert Livingston, had asked Thompson to represent Cliff Andrews in Andrews' attempt to obtain immunity from the Shelby County District Attorney. Thompson indicated that it was his belief that Andrews was perpetrating some type hoax although Andrews had not yet requested anything of value.

This information was furnished to the CRD on 7/16/74, and Mr. William Gardner, Departmental Attorney, requested that no additional investigation be conducted regarding Andrews.

On July 17, 1974, Attorney Thompson again contacted the Memphis Division and advised that Cliff Andrews had contacted him and had requested that $700 be sent to Cliff Andrews, Canadian National Telegraph Office, Owen Sound, Ontario. Andersen indicated to Mr. Thompson that it would probably take an additional $2,500 to $3,000 to enable Andrews to locate the other people involved in the conspiracy and to get them to Memphis. Thompson

 CONTINUED - OVER

2025 RELEASE UNDER E.O. 14176

stated that he told Andrews that he would not send these funds. Mr. Thompson indicated that he was more convinced than ever this was a hoax and that Andrews was apparently attempting to swindle Ray's Attorney, Robert Livingston.

No further attempts were made by the FBI to locate, identify, and interview Cliff Andrews.

To date, the CRD has not requested that any additional investigation be conducted regarding Watson or Andrews.

ACTION: None. For information.

2025 RELEASE UNDER E.O. 14176

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 28 1975

TELETYPE

T 12/12

NR003 BU PLAIN

10:20PM NITEL NOV. 28, 1975 DMB

TO DIRECTOR, FBI (44-38861)

FROM BUFFALO (44-374) (P)

MURKIN

NEWSPAPER PUBLICITY, TORONTO, ONTARIO, CANADA, NOV. 28, 1975 REFERRED TO RECENT ATTEMPT ON PART OF REV. RALPH ABERNATHY AND OTHERS TO HAVE INVESTIGATION OF DR. KING'S DEATH REOPENED BASED REPORTEDLY ON NEW EVIDENCE INCLUDING TESTIMONY OF PERSONS KNOWLEDGABLE OF AN ALLEGED PLOT. ARTICLES CONCENTRATED ON ONE OF THESE PERSONS IDENTIFIED AS CLIFFORD H. ANDREWS AKA R. L. WARREN INASMUCH AS HE REPORTEDLY WAS CONFINED AT MIMICO CORRECTIONAL INSTITUTE AT TORONTO AND COULD TESTIFY AS TO HIS PARTICIPATION IN THE PLOT.

PERSON CLAIMING TO BE DON GRANT, REPORTER FROM TORONTO MORNING NEWSPAPER "GLOBE AND MAIL" TELEPHONICALLY CONTACTED THEIR OFFICE NOVEMBER 28, 1975 INDICATING INTEREST IN ANDREWS AND HE WAS TOLD WE WOULD ACCEPT ANY INFORMATION HE WISHED TO FURNISH.

DURING LATE PM, NOVEMBER 28, 1975, INSPECTOR GEORGE SELLAR (NA),

END PAGE ONE

Relayed Ottawa 11-29-75 FBVIP 2

Mc D 64

CARBON COPY DO NOT FILE

O- Peechman

2025 RELEASE UNDER E.O. 14176

HOMICIDE SQUAD, METORPOLITAN TORONTO POLICE DEPARTMENT, (MTPD) TORONTO, MAKING REFERENCE TO TORONTO PUBLICITY, ADVISED HIS SQUAD HAD RECEIVED CALL FROM ONE HAROLD KIRK, KNOWN TO MTPD AS "CON-MAN", WHO REQUESTED INTERVIEW BY MTPD CLAIMING HE WAS FORMER CELLMATE OF ANDREWS. SELLAR WAS TOLD BUFFALO HAD NO INVESTIGATIVE INTEREST IN ANDREWS AT THIS TIME BUT WOULD APPRECIATE ANY INFORMATION BELIEVED SIGNIFICANT DEVELOPED AS RESULT OF KIRK INTERVIEW.

SELLAR STATED INQUIRY AT MIMICO HAD DETERMINED ANDREWS RELEASED FROM THERE SEPTEMBER 30, 1975 AND PRESENT WHEREABOUTS UNKNOWN; FURTHER THAT FBI REPORTEDLY HAD BEEN IN CONTACT WITH MINISTER OF CCORRECTIONS FOR ONTARIO PROVINCE RE THIS MATTER. INQUIRY VIA LEGAT, OTTAWA, NEGATIVE RE THIS.

BUFFALO WILL FOLLOW RESULTS OF KIRK INTERVIEWM

ABOVE FOR INFORMATION.

BUREAU ADVISE LEGAT, OTTAWA.

END

MAH FBIHQ ACK FOR ONE

WA CLR

2025 RELEASE UNDER E.O. 14176

MURI

NOV 10 1975

Quinlan J. Shea, Jr.
Director, FOI/Privacy Appeal Unit

Walter W. Barnett
FOI Coordinator
Civil Rights Division

WWB:ssj

DJ 144-72-668

12/10

FOI Appeals #139 (Lesar) and #989 (CBS News) - M. L. King, Jr., assassination

This memorandum is submitted in connection with the appeals noted above, both of which are being taken from denials by the FBI of records it has concerning the murder of Dr. Martin Luther King, Jr.

1. Our obvious and only concern is that release of FBI records in this case not impede the possible trial of James Earl Ray if the pending proceedings in the federal courts result in his withdrawing the guilty plea earlier entered in state court. As I see it, this could occur in one of two ways - either by there being prejudicial pre-trial publicity or by giving Ray and his counsel more records earlier than would be permitted under the criminal discovery rules applicable in Tennessee courts. These two concerns are reflected in exemptions 7(B) and 7(A), respectively and it is their applicability that is here at issue.

2. At this writing, we must disclaim knowledge of two facts which are obviously relevant and which I assume your Unit is determining: first, the extent to which the ten (10) requested items are relevant to the prosecution or defense of Mr. Ray, either directly or in connection with other items and, second, the extent, if any, to which any of the records has already been made public (see CBS appeal letter of 10/28/75, pp. 4-5). Our concern, of course, only goes to records which would be relevant to determining Ray's guilt and does not encompass records which are in the public domain already.

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3. Jeffrey Axelrad, the Civil Division's FOI expert, tells me that there are no helpful decisions yet on exemptions 7(A) or 7(B). The AG's Memorandum of February 1975 is not of much assistance, either; indeed, it notes, with respect to 7(B), that there is "no specific explanation of it . . . in the legislative history" (p. 8). Accordingly, we have little guidance to inform our judgment in this area.

Nevertheless, this Division is greatly concerned by the possibility that pre-trial publicity could make trying Ray in a Tennessee court more difficult or impossible if it comes to that. Such an occurrence would be particularly bad if the publicity at issue were engendered in whole or in part by this Department's release of materials not now in the public domain. Accordingly, we request your office to recommend against disclosure of any records which (a) bear on Ray's guilt or innocence and (b) are not now themselves items of public record.

I recognize that predictions as to whether release of a record will "deprive a person or a right to a fair trial" or "interfere with enforcement proceedings" are inherently speculative. In this case, the importance to the nation of a proper resolution of the responsibility for Dr. King's death make it imperative that this Department exercise the greatest caution in releasing materials which could affect or be used in subsequent court proceedings.

The facts that Ray's appeal is currently pending before the Sixth Circuit and that the decision cannot, of course, be predicted does not obviate our concern, but is instead the major source of concern, since it is this proceeding which makes concrete the possibility of a trial. This differs from a case in which a convicted criminal has not actually petitioned for habeas corpus. Refusing to disclose here would not set a precedent requiring that no criminal files be disclosed

2025 RELEASE UNDER E.O. 14176

if habeas is possible, for with most habeas petitions, the trial has occurred and all evidence is already in the public domain, */ where as here, there has not yet been a trial.

4. Our concerns would be diminished if Ray formally joined in Lesar's request and were clearly put on notice that his requesting and obtaining records (a) would obligate DJ to provide the same materials to others under the Act, and (b) should be seen as a waiver of "pretrial publicity" rights at least with respect to the records released.

5. Once your staff has finished its analysis of the records requested, how they implicate Ray and whether any has been made public, please share that with this Division prior to making a recommendation to the Deputy Attorney General. Assistant Attorney General Pottinger has asked me to insure that he has an opportunity to consider personally the facts of these requests and make a recommendation to the Deputy Attorney General if warranted.

---

*/ Indeed, many habeas petitioners would be seeking essentially to have evidence admitted in the first trial (and thereby public) excluded during a second trial.

2025 RELEASE UNDER E.O. 14176

11/10/75

Civil Rights Division

ATTENTION: Mr. Horn

MURKIN
CIVIL RIGHTS

my 10/24/75

11/4/75 XXXXXXXXXXXXXXXXXX Cincinnati an LHM

xx F. JCL|jet

1

2025 RELEASE UNDER E.O. 14176

11/4/75

AIRTEL

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, CINCINNATI (157-1893) (P)

SUBJECT: MURKIN

Re CI airtel and LHM to Bureau, 10/15/75.

Enclosed for the Bureau are six copies of an LHM captioned, "JAMES EARL RAY". Enclosed for Memphis are two copies of the same LHM.

Information furnished in the enclosed LHM was obtained from records at the U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, by SC LINDA F. FERGUSON.

Cincinnati will maintain contact with the U. S. Court of Appeals in this matter.

(2) - Bureau (Enc. 6)
2 - Memphis (44-1987) (Enc. 2)
2 - Cincinnati

LFF:skm
(6)

[illegible] COPY

2025 RELEASE UNDER E.O. 14176

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cincinnati, Ohio
November 4, 1975

RE: JAMES EARL RAY

On November 3, 1975, Grace Keller, Chief Deputy Clerk, United States Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation that the following additional entries were recorded on Docket Number 75-1795:

October 10, 1975	Answer to motion to dismiss
October 15, 1975	Motion: Appellant's brief to October 14, 1975 (Granted)
October 20, 1975	Seven copies of Brief for Appellant
October 20, 1975	Seven copies of Appellant's Appendix (Vols. I, II, III, IV, V)
October 20, 1975	Proof of service of Appellant's Brief and Appendix
October 23, 1975	Order denying motion to dismiss

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

2025 RELEASE UNDER E.O. 14176

10/24/75

CIVIL RIGHTS DIVISION

MURKIN
CIVIL RIGHTS

my 10/15/75

10/15/75 XXXXXXXXXXXXXXXXXX an LHM
Cincinnati

xx F. EJM/jet

1

2025 RELEASE UNDER E.O. 14176

10/15/75

AIRTEL

TO : DIRECTOR, FBI (44-38861)

FROM : SAC, CINCINNATI (157-1893) (P)

SUBJECT: MURKIN

Re CI airtel and LHM to Bureau 9/30/75.

Enclosed for the Bureau are six copies of an LHM captioned "JAMES EARL RAY". Enclosed for Memphis are two copies of the same LHM.

Information furnished in enclosed LHM was obtained from records at the U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, by SC DWIGHT H. VOGEL.

Cincinnati will maintain contact with the U. S. Court of Appeals in this matter.

2-Bureau (Enc. 6)
2-Memphis (44-1987) (Enc. 2)
2-Cincinnati

DHV:mw
(6)

2025 RELEASE UNDER E.O. 14176

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
Cincinnati, Ohio
October 15, 1975

In Reply, Please Refer to File No.

RE: JAMES EARL RAY

On October 15, 1975, Grace Keller, Chief Deputy Clerk, United States Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation that the following additional entries were recorded on Docket Number 75-1795:

October 7, 1975	Supplemental Motion: Appellant's brief to October 11, 1975
October 8, 1975	Motion of Appellee to dismiss appeal
October 14, 1975	Order for Appellant's brief granted to October 14, 1975, and denying motion to expedite preparation of the remaining parts of the transcripts

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

2025 RELEASE UNDER E.O. 14176

10/15/75

CIVIL RIGHTS DIVISION

11/15

MURKIN
CIVIL RIGHTS

10/10/75 XXXXXXXXXXXXXXXXXX Birmingham an LHM

x G. EJM/jet

1

2025 RELEASE UNDER E.O. 14176

10/10/75

AIRTEL AIRMAIL - REGISTERED

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, BIRMINGHAM (44-1740)(RUC)

SUBJECT: MURKIN
CR
OO: MEMPHIS

Re Bureau airtel to Memphis, 10/7/75.

Enclosed for the Bureau are three copies of an LHM concerning captioned matter.

One copy of the LHM is enclosed for Memphis.

Information contained in the LHM was obtained by SC CHARLES E. NELSON, JR., on 10/1/75.

(2) - Bureau (Encls. 3)
2 - Memphis (44-1987)(Enc. 1)
1 - Birmingham
LPB:hss
(5)

2025 RELEASE UNDER E.O. 14176

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Birmingham, Alabama
October 10, 1975

In Reply, Please Refer to
File No. 44-1740

RE: JAMES EARL RAY, also known as Eric Starvo Galt;
DR. MARTIN LUTHER KING, JR. - VICTIM (Deceased)
CIVIL RIGHTS-CONSPIRACY

On October 1, 1975, Charles E. Brownlee, Deputy Clerk, United States District Court, Northern District of Alabama, Birmingham, Alabama, advised that court records reveal the following:

On November 19, 1971, Bernard Fensterwald, Jr., Washington, D.C., filed the following motion on behalf of James Earl Ray.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

2025 RELEASE UNDER E.O. 14176

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF ALABAMA

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

NOV 19 1971

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT

United States of America

v.

Eric Starvo Galt

Commissioner's Docket No. 3

Case No. 86

(1968)

Com. Proc. #842

MOTION FOR DISMISSAL OF CHARGES OR

FOR SPEEDY TRIAL OF CHARGES.

1.) On April 17, 1968, one Joseph H. Gamble, Special Agent in Charge, FBI, Birmingham, Alabama, swore out a complaint against Eric Starvo Galt for violation of Section 241 of Title 18, U.S. Code, charging defendant Galt as follows:

> That on or about March 29, 1968, at Birmingham in the Northern District of Alabama ERIC STARVO GALT did on or about March 29, 1968, at Birmingham, Alabama, in the Northern District of Alabama, Eric Starvo Galt and an invidivual whom he alleged to be his brother, entered into a conspiracy which continued until on or about April 5, 1968, to injure, oppress, threaten or intimidate Martin Luther King, Jr., a citizen of the United States, residing in Atlanta, Georgia, in the free exercise and enjoyment of his rights secured by the Constitution or Laws of the United States, namely the right to freely travel from State to State.
>
> In furtherance of this conspiracy, Eric Starvo Galt did on or about March 30, 1968, purchase a rifle at Birmingham, Alabama, all in violation of Section 241, Title 18, U.S. Code.
>
> AND THE COMPLAINANT STATES THAT THIS COMPLAINT IS BASED ON:
>
> The purchase of the weapon used to carry out the conspiracy in Birmingham, Alabama, on or about March 29, 1968. Identification of the gun used by defendant found at the scene of the crime, and investigation conducted by the Federal Bureau of

2025 RELEASE UNDER E.O. 14176

Investigation.

And the complainant further states that he believes that Joseph H. Gamble, Special Agent in Charge, Federal Bureau of Investigation, Birmingham, Alabama are material witnesses in relation to this charge.

Said sworn complaint is appended as Exhibit 1 to this Motion.

2.) On the same day, April 17, 1968, and pursuant to the charge, a warrant of arrest for Eric Starvo Galt was issued by Hildred R. Sprague, U. S. Commissioner. Said Warrant is appended as Exhibit 2 to this Motion.

3.) On October 18, 1971, upon inquiry, William E. Davis, Clerk of Court, advised by letter that "these charges are still pending." ~~Said letter is appended as Exhibit 3 to this Motion.~~

4.) It is presumed that defendant Eric Starvo Galt is one and the same as James Earl Ray, now incarcerated in the Tennessee State Prison at Brushy Mountain, Tenn.

5.) Defendant denies (a) that he entered into any conspiracy with anyone, on or about March 29, 1968, or at any other time to injure, oppress, threaten or intimidate Martin Luther King, Jr., in the free exercise of any of his rights; (b) that he purchased a gun for that purpose, or (c) that he alone, or in concert with others, threatened to or did injure, oppress, or intimidate said Martin Luther King, Jr., in any regard whatever.

6.) Defendant alleges that plaintiff United States has known his exact whereabouts since June 8, 1968, and knows his exact whereabouts today; yet he has never been arrested or brought to trial.

7.) The Sixth Amendment to the U. S. Constitution provides as follows:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtain-

2025 RELEASE UNDER E.O. 14176

ing Witnesses in his favor, and to have the Assistance of Counsel for his defence.

6.) In the present case, defendant has been provided none of the procedural rights outlined in the above Amendment.

WHEREFORE, said defendant, Eric Starvo Galt , aka James Earl Ray , prays that this Honorable Court will either order a speedy and fair trial for him in Birmingham, Alabama, forthwith, with all of the attendant protections of the U.S. Constitution; or, alternatively, dismiss summarily the charges pending against him and quash the warrant for his further arrest.

BERNARD FENSTERWALD, JR.
909 16th Street, N.W.
Washington, D. C. 20006
202-347-3919
Attorney for Eric Starvo Galt, aka James Earl Ray.

CERTIFICATION OF SERVICE

I hereby certify that a copy of this motion was served on the U.S. Attorney in Birmingham, Alabama, by prepaid mail, this _____day of _____, 19_____.

BERNARD FENSTERWALD, JR.

2025 RELEASE UNDER E.O. 14176

RE: JAMES EARL RAY

On November 22, 1971, R. Macey Taylor, United States Magistrate, Northern District of Alabama (NDA), Birmingham, Alabama, advised the United States Attorney, NDA, Birmingham, that the motion had been filed. Mr. Taylor requested the United States make a written response to the motion within ten days of his letter.

On December 2, 1971, R. Macey Taylor, United States Magistrate, NDA, presented the following Examination, Report and Recommendation to the U. S. District Judge:

2025 RELEASE UNDER E.O. 14176

044

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA	]	
	]	Com. Docket #3 Case #86
vs	]	
	]	Com. Proc. #8442
ERIC STARVO GALT		

EXAMINATION, REPORT AND RECOMMENDATION TO THE
UNITED STATES DISTRICT JUDGE

This case has been referred to the United States Magistrate for examination, report and recommendation. The following is submitted:

On April 17, 1968, a complaint was filed before the U. S. Commissioner in Birmingham, Alabama by Joseph H. Gamble, Special Agent in charge, FBI, Birmingham, Alabama in which it was alleged that on or about March 29, 1968, Eric Starvo Galt and another entered into a conspiracy to injure or intimidate Martin Luther King, Jr. in the free exercise of his rights under the Constitution of the United States in violation of 18 U.S.C. 241. On April 17, 1968, a warrant was issued by the U. S. Commissioner in Birmingham, Alabama charging Eric Starvo Galt with violating 18 U.S.C. 241. This warrant was never served and is now and has been since it was issued, retained in the files of the U. S. Marshal, Birmingham, Alabama.

On November 19, 1971, Bernard Fensterwald, Jr., Washington, D. C. appeared as attorney for Eric Starvo Galt, also known as James Earl Ray, and filed a motion on behalf of the above named defendant for a dismissal of the complaint above referred to or a speedy trial of the charges contained in the warrant above referred to.

On November 22, 1971, the U. S. Magistrate requested the United States to make any response it chose to make to the motion filed on behalf of the defendant. No suggestion has been filed on behalf of the United States. It is the Magistrate's opinion that under the provisions of Rule 48-b, Federal Rules of Criminal Procedure, that the motion of the defendant is well taken. It is recommended that the defendant's motion be granted and that the complaint above referred to be dismissed.

Dated this 2nd day of December, 1971.

FILED IN OPEN COURT
NORTHERN DISTRICT OF ALABAMA

DEC 3 1971

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT

R. MACEY TAYLOR

UNITED STATES MAGISTRATE

2025 RELEASE UNDER E.O. 14176

O R D E R

The Court has examined the motion filed on behalf of the defendant and the Magistrate's report and recommendation. The Magistrate's recommendation is hereby adopted and approved. It is therefore ORDERED that the defendant's motion for dismissal of the complaint be and the same hereby is GRANTED. It is further ORDERED that the complaint issued by U. S. Commissioner, Mildred F. Sprague dated April 17, 1968, docket #3, case #86, be and the same hereby is DISMISSED. It is further ORDERED that the warrant of arrest issued by Commissioner Sprague dated April 17, 1968, Commissioner's docket #3, case #86 be returned unexecuted.

The Clerk is directed to furnish the U. S. Attorney, Birmingham, Alabama and the Honorable Bernard Fensterwald, Jr., 905-16th Street, N. W. Washington, D. C. 20006, with a copy of the Magistrate's report and this Order.

DONE this 2nd day of December, 1971.

UNITED STATES DISTRICT JUDGE

A TRUE COPY
WILLIAM E. DAVIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BY: M. J. Spencer

2025 RELEASE UNDER E.O. 14176

RE: JAMES EARL RAY

The following unexecuted warrant was returned to the U. S. District Court, NDA, Birmingham, Alabama, on December 6, 1971:

2025 RELEASE UNDER E.O. 14176

Form A. O. 90 (Rev. 7-26-54)

Commissioner's Warrant of Arrest

United States District Court

FOR THE
APR 10 1 56 PM '68
NORTHERN DISTRICT OF ALABAMA
BIRMINGHAM, ALA.

Commissioner's Docket No. 3

Case No. 86

UNITED STATES OF AMERICA

v

ERIC STARVO GALT

WARRANT OF ARREST

To ANY UNITED STATES MARSHAL OR OTHER AUTHORIZED OFFICER 1.

You are hereby commanded to arrest Eric Starvo Galt (here insert name of defendant or description), and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with conspiring to injure, oppress, threaten or intimidate Martin Luther King, Jr., (here describe offense charged in complaint) a citizen of the United States, residing in Atlanta, Ga., in the free exercise and enjoyment of his rights secured by the Constitution or Laws of the United States, namely the right to freely travel from State to State.

in violation of U.S.C. Title, 18, Section 241

RETURNED EXECUTED AND FILED
NORTHERN DISTRICT OF ALABAMA
DEC 9 1971
WILLIAM E. DAVIS, CLERK
UNITED STATES DISTRICT COURT

Date April 17, 19 68.

Mildred F. Sprague
United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received 12-6-71, 19 at , and executed by arrest of.
RETURNED WARRANT UNEXECUTED PER ORDER DATED 12-3-71
at on , 19 .

Johnny M. Towns, U.S. Marhsla
Name.

Title.

Date , 19 .

Northern District of Alabma

By Bobbi Ehresmann, Deputy

2025 RELEASE UNDER E.O. 14176

MURKIN

October 7, 1975

1 - Mr. Cochran
1 - Mr. Moore (Attn: Mr. Gunn)
(1) - Mr. Gallagher
(Attn: Mr. Lawn)

Mr. Ernest S. Leiser
CBS News
524 West 57 Street
New York, New York 10019

Dear Mr. Leiser:

This is in response to your Freedom of Information Act request dated September 5, 1975.

The information you request is exempt from disclosure pursuant to the provisions of Title 5, United States Code, Section 552 (b)(7)(A) and (B). These cited subsections relate respectively to investigatory records compiled for law enforcement purposes, the disclosure of which would interfere with enforcement proceedings; and information, the disclosure of which would deprive a person of a right to a fair trial or an impartial adjudication. These particular exemptions are cited since the case involving James Earl Ray is currently on appeal in the 6th Circuit Court of Appeals.

You have thirty days from receipt of this letter to appeal to the Attorney General for any denial contained herein. Appeals should be directed in writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Washington, D. C. 20530. The envelope and letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Following the Attorney General's decision, judicial review is available in the district of your residence or principal place of business, or in the District of Columbia, where the records are situated.

Sincerely yours,

Clarence M. Kelley
Director

1 - The Deputy Attorney General - Enclosure
Attention: Susan M. Hauser

jav:cag (8)

NOTE: Reply coordinated with External Affairs and General Investigative Division.

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